

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-2, 4-30, 32-35, 37, 42-46 and 48 previously presented for examination remain in the application. Claims 1,4-5, 30, 35, 42, and 48 have been amended. Claims 3, 31, 36, 38-41 and 47 have been canceled without prejudice. Claim 24 is not included in the present application due to an inadvertent numbering error in the original filing.

35 USC §102 Rejections

Claims 25-28 and 30-37 stand rejected under 35 U.S.C. § 102(e) as being considered to be anticipated by U.S. Patent Application No. 2004/0102197 to Dietz ("Dietz").

For a 35 U.S.C. §102 reference to anticipate a claim, the reference must teach every element of the claim. Section 2131 of the MPEP recites: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

With respect to independent claim 25, applicant teaches and claims

25. A system comprising:
 - a bus;
 - a processor including an execution unit coupled to the bus, the processor to execute instructions;
 - an antenna coupled to the bus to provide for wireless communications; and
 - a memory to store information that, when executed by the processor, causes the system to access a first web page including embedded scripting,

automatically determine location information associated with a location of the system in response to executing the scripting, and

display a second web page including locale-specific information in response to determining the location of the system.

(Claim 25)(Emphasis added).

Dietz does not teach or suggest at least the claimed feature of automatically determining location information in response to executing embedded scripting in a web page that is accessed by the system that executes the scripting.

Dietz discloses an approach for dynamic web page construction based on determination of client device location. According to Dietz, in response to a request for a web page from a client browser, a control routine parses a request to locate a geographic location data string identifying a location of the client browser that has made the request. The geographic location data string may be generated at the client browser by, for example a GPS receiver. At the server, the web page is built dynamically using the geographic location data string to select a given one of the set of location-specific page elements and, preferably, an element having content associated with a physical location in proximity to the location of the client browser. The web page is then served in response to the request. (See e.g. Dietz, Abstract).

In contrast, as disclosed and claimed in the present application, the computing system accesses a web page that includes embedded scripting and that embedded scripting is used to automatically determine location information related to the computing system.

Dietz, as admitted in the Office Action at page 12, in the fourth paragraph, does not teach or suggest such a feature. For at least this reason, claim 25 is patentably distinguished over Dietz. Independent claims 30 and 35 include a similar limitation. Claims 26-28, claims 32-34 and claim 37 depend from and further limit claims 25, 30 and 35, respectively. Thus, claims 26-30, 32-35 and 37 should also be found to be patentably distinguished over Dietz for at least the same reasons.

Claims 38 and 39 stand rejected under 35 U.S.C. § 102(e) as being considered to be anticipated by U.S. Patent Application No. 2004/0203900 to Cedervall et al. ("Cedervall").

Claims 38 and 39 have been canceled without prejudice rendering the rejections with respect to these claims moot.

35 USC §103 Rejections

Claims 1-23, 29 and 42-48 stand rejected under 35 U.S.C. § 103(a) as being considered to be unpatentable over Dietz in view of Cedervall.

Claims 3 and 47 have been canceled without prejudice rendering the rejections with respect these claims moot.

Independent claims 1, 7, 13, 18 and 21 include limitations similar to those argued above in reference to claim 25. Claims 2 and 4-6, claims 8-12, claims 14-17, claims 19-20, claims 22-23 and claim 29 depend from and further limit claims 1, 7, 13, 18, 21 and 25, respectively. Thus claims 1-2, claims 4-23 and claim 29 should be found to be patentably distinguished over Dietz for at least the same reasons as argued above in reference to claim 25.

The combination of Cedervall with Dietz does not remedy the deficiencies of Dietz were such a combination to be made.

Cedervall discloses an approach for anonymous positioning of a wireless unit for data network location-based services. Specifically, Cedervall discloses a process and system for providing location information for a wireless unit in a wireless network to a location-based service provider using a data network. The location information is provided to the location-based service provider without necessarily providing the identity of the wireless unit to the service provider.

It is asserted in the Office Action at page 12, paragraph 5, that Cedervall teaches causing a computing system to access a first web page including embedded scripting at lines 1-3 of paragraph [0074] of Cedervall. Applicant respectfully submits that this is not a fair characterization of Cedervall.

Cedervall discloses at paragraph [0074], lines 1-5:

The subscriber 203 connects to the location-based service provider server 211 by downloading a web page located on the server 211. The subscriber activates a positioning procedure by sending a special http inquiry intended for the server 211.

This paragraph refers to downloading a web page and then sending an inquiry to a server.

There is no teaching or suggestion in Cedervall of accessing a web page that includes embedded scripting or using the embedded scripting, at least in part, to determine location information.

For at least these reasons, the combination of Cedervall and Dietz, were such a combination to be made, fails to teach or suggest the claimed features of

applicant's invention as set forth in independent claims 1, 7, 13, 18, 21 and 25. As discussed above, claims 2 and 4-6, claims 8-12, claims 14-17, claims 19-20, claims 22-23 and claim 29 depend from and further limit claims 1, 7, 13, 18, 21 and 25, respectively. Thus claims 1-2, claims 4-23 and claim 29 should be found to be patentably distinguished over Dietz and Cedervall, alone or in combination and the rejection should be withdrawn.

Independent claim 42 includes the limitations

42. A system comprising:
a bus;
a processor including an execution unit coupled to the bus,
the processor to execute instructions;
an antenna coupled to the bus to provide for wireless
communications; and
a memory to store information that, when executed by the
processor, causes the system to
access a first web page including embedded location
information, the embedded location information being
in the form of Extensible Markup Language (XML)
islands; and
display the embedded location information if the
system is running a location-enhanced browser capable of
accessing the embedded location information.

(Claim 42)(Emphasis added).

Neither Dietz nor Cedervall teach or suggest accessing a web page that includes embedded location information in the form of XML islands. Because neither Dietz nor Cedervall teach or suggest accessing a web page including embedded location information in the form of XML islands, the combination of Dietz and Cedervall, were such a combination to be made, would also fail to teach or suggest such a feature.

Claims 43-46 and 48 depend from and further limit claim 42 and therefore, should be found to be patentably distinguished over Dietz and Cedervall for at least the same reasons argued above in reference to claim 42.

Claims 40 and 41 stand rejected under 35 U.S.C. § 103(a) as being considered to be unpatentable over Cedervall in view of Dietz.

Claims 40 and 41 have been canceled without prejudice rendering the rejections with respect to these claims moot.

Based on the foregoing, applicants respectfully submit that the applicable rejections have been overcome and that claims 1-2, 4-30, 32-35, 37, 42-46 and 48 are in condition for allowance. If the Examiner disagrees or believes that further discussion will expedite prosecution of this case, the examiner is invited to telephone applicant's representative at the number indicated below.

If there are any charges, please charge Deposit Account No. 50-0221.

Respectfully submitted,

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/Cynthia Thomas Faatz/

Cynthia Thomas Faatz

Registration No. 39,973

Intel Corporation

M/S SC4-202

2200 Mission College Blvd.

Santa Clara, CA 95052

(530) 268-1442